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Res Gestae

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Roger Marce, Editor

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NO. 13

GOV. ROSS BARNETT DISCUSSES CIVIL RIGHTS:

Speaking in the Law Club lounge last Monday, to an estimated crowd of 800, Governor Ross Barnett of Mississippi presented the segregationist viewpoint on civil rights. Speaking briefly on the Public Accommodations section of the President's civil rights bill, he asserted that an individual businessman has the right to refuse service to any person for any reason. He argued that any regulation in this area should be left up to the states and that if the Supreme Court were to uphold federal legislation in this area it would be overruling the Civil Rights Cases (1883) and Williams v. Howard Johnson's Motel (1959). The latter case was a Circuit Court of Appeals case which decided that there was no Constitutional basis for Federal court intervention; even though the defendant was located on a U.S. highway, bought most of his supplies in interstate commerce and catered mostly to interstate travelers.

Barnett then discussed various aspects of the civil rights controversy in response to questions from the floor. He stated that up until 1954 the Supreme Court was a court of law but that Brown v. Board of Education was the product of a court of men. As pillars of the "court of law," he cited such men as Cardozo, Holmes and McReynolds. The overruling of Plessy v. Ferguson, he said, was based not on law but on personal attitude; and therefore was not really the law of the land. Brown v. Board of Education, he claimed was the product of acceptance of the theories of men like Gunnar Myrdal, an admitted socialist, and one Clark, a negro who was one of the attorneys in the Brown case. There is nothing in the Constitution, he pointed out, which says anything about education or integrated schooling. In response to another question, he said that Marbury v. Madison was the product of a court of law.

Asked where the law came from, Barnett said that the Federal government was the product of the states and that the states had retained the power of home rule in such areas as education. He defended the idea of separate but equal facilities which was defined as the law in Plessy v. Ferguson. In response to a question which pointed out that as recently as 1947, 50 years after the Plessy case, negro teachers had been paid an average of only 1/3 of what white teachers were paid in Mississippi, Barnett claimed that this was no longer the case and that equal pay for equal qualifications was now the case. He pointed out that while 42% of the population of Mississippi is negro, 63% is being spent on negro education in an effort to achieve equality of facilities. When a negro, or a white student, can't get the education he wants from the available facilities in the state, they are subsidized in their out-of-state education.

He further claimed that the negro in his state was very happy and this 42% block of the population owned a good 25% of the homes. He cited many examples of the paternalistic attitude which the southern whites have towards the negro. Asked why he feared integration, he referred to miscegenation, stating that the "negroes are inferior" and that anybody knows this. As proof he noted an investigation made in Macon, Georgia which reached this conclusion without a dissenting voice; and ancient Egypt where the negroes "came down the Nile and danced with the white women" and supposedly brought about the downfall of Egypt. In response to the idea that Mississippi might not be a prosperous state today, he alleged that it was, in fact, the most rapidly advancing state in the union. For example, he pointed out, the state has added 530 new industries in only three years.

Discussing Mississippi voting laws, Barnett stated that voting is a privilege in Mississippi and not a right. He said that to vote a person must pay their poll tax, pass a literacy test by interpreting a section of the constitution, and register. In addition, they cannot vote if a known gambler, a habitual drunk, convicted of a felony or not of "good moral character." He admitted that only 35,000 (of nearly 1,000,000) negroes in Mississippi can vote; but argued that this was the product of apathy more than anything else, pointing out that only about 1/2 of the whites can vote. He defended the idea of unpledged electors on the grounds that it would either get one of the candidates to "come crawling on his knees" or force the election into the congress.

On Monday evening, Barnett spoke to an audience of 4,000 in Hill Auditorium. Amid much heckling, Barnett called the President's civil rights program "obnoxious social reform" and "a new form of tyranny." He warned that the "future of constitutional government is in grave danger of selfish minority blocs that have the

support of high Administration officials." "Mississippi," he said, "is the greatest state's right state in this nation." He called for a return to the fundamentals of our founding fathers who, he said, believed in state's rights.

MOOT COURT TEAM TO GO TO NEW YORK:

Last week-end at the regional Moot Court championship in Detroit, the Michigan team consisting of Steve Wittenberg, Ted Everingham and Frank Hartman placed second; thus winning a spot in the national championship competition to be held in New York in mid-December. The team was defeated in the final round by Ohio State, which will also be going to New York. The other Michigan team tied for third, losing to the same Ohio State team in the semi-finals. Members of that team were Bob Kronert, Barry Boughton and Steve Roberts.

EDITORS' WASTEBASKET:

Professor Alfred F. Conard has recently had an article entitled "How European Businesses Are Organized" published in The Business Lawyer. The article is based on an address given before a section of the A.B.A. . . . Professor B.J. George recently had an article published in the Jurist. The article is entitled: "Comparative Research in Japanese and American Criminal Procedure," and was written in collaboration with H. Tamiya.

The Board of Governors of the A.B.A. is considering a law student loan fund program to assist needy students. The plan would call for a special reserve fund created by the Association and the participation of an authorized commercial bank. The bank would make low interest rate loans available. The reserve would underwrite the loans and make bank credit available equaling 12.5 times the amount of the reserve.

The A.B.A. is also planning a weekly legal column to be offered newspapers as a public service. The column would tell the layman about the way the law affects his life, the profession, and the administration of justice. The topics would be of such a national perspective as to be applicable to any state.

LIBEL AND SLANDER:

Is Ross Barnett really inferior; or only separate...but equal? This is the question that the Governor of the "greatest state's right state in the nation" has left in the minds of many a law student. To attempt a serious rebuttal of the Governor's speech would lend dignity to his arguments that they ill-deserve.

The dean of Clemson College in South Carolina, the first state to secede from the Union in 1860 and the first to fire a shot in the Civil War, has stated that Clemson "will accept anyone who can meet the entrance requirements, whether he is white, black or green." At the same time, Barnett says that Mississippi has finally decided to implement Plessy v. Ferguson, 67 years after it was decided and nine after it was overruled. The question becomes now: Where will Mississippi be 67 years after Brown v. Board of Education?

- H.V. Baxendale

GRIDIRON PIX:

Michigan over Ohio State
Michigan State over Illinois
Wisconsin over Minnesota
Purdue over Indiana
Nebraska over Oklahoma
Notre Dame over Iowa
Pittsburgh over Penn State
Missouri over Kansas
Southern Cal over UCLA
Washington over Washington State
Florida over Miami
Baylor over SMU
Duke over N. Carolina
Stanford over California

Auburn over Florida State
Princeton over Dartmouth
Harvard over Yale
Burnt Ranch over Arboga Tech.

Next Week:

Texas over Texas A & M (Nov. 28)
Syracuse over Notre Dame "
Cornell over Penn. "
Miss. State over Miss. (Nov. 30)
Navy over Army "
Georgia over Georgia Tech "
Alabama over Auburn "
Florida over Florida State "

MISCELLANEOUS:

As promised last week, there will be a dance this Saturday night from 9:00 'til 1:00. It's the Solicitors Ball and all are invited. In addition to dancing, guests will be entertained by the Psurfs and by Lester, Earl and Leroy. . . . Phi Alpha Delta Law Fraternity invites you to a meeting to help reorganize its Campbell Chapter. The meeting will be at 6:30 in rm. 3-B of the Union, on Mon. those attending will be given the opportunity to join. P.A.D. is the largest of the legal fraternities, has no house to support and is designed to promote professional development through association with faculty and alumni. Strong supporters of this reorganization are County Circuit Court Judges Ager and Breakey, both of whom propose programs where they will be working with members on various legal projects (great experience). If you cannot attend the meeting but are interested, call: Ed Henneke, 66307387 or Jim Kline, 663-8724.

AT THE FLICKS:

Campus: "The Conjugal Bed"

Michigan: "Take Her, She's Mine"

State: "The Wheeler Dealers"

Cinema Guild: Fri.- "The Girl with the Golden Eyes";
Sat. - "Suddenly Last Summer"

QUADSVILLE QUOTES:

A man may as well open an oyster without a knife, as a lawyer's mouth without a fee.

-Barten Holyday

Injustice is relatively easy to bear; what stings is justice.

-H.L. Mencken